



PLANNING DIVISION
CITY OF SUNNYVALE
P.O. BOX 3707
SUNNYVALE, CALIFORNIA 94088-3707

ATTACHMENT ^C

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of

23

File Number: 2005-0643
2005-0645
No. 05-36

E12796

**NOTICE OF INTENT TO ADOPT A
MITIGATED NEGATIVE DECLARATION**

This form is provided as a notification of an intent to adopt a Mitigated Negative Declaration which has been prepared in compliance with the provisions of the California Environmental Quality Act of 1970, as amended, and Resolution #118-04.

PROJECT TITLE:

Application for a **Tentative Map** and **Special Development Permit** filed by **Pulte Homes**

PROJECT DESCRIPTION AND LOCATION (APN):

Application for related proposals on a 2.2-acre site located at **1047 North Fair Oaks Avenue** (near Weddell Dr) and a 1.5 acre site located at **508 Tasman Drive** (near Karlstad Dr) in an M-S/ITR/R3/PD (Industrial and Service/Industrial to Residential/Medium-Density Residential/Planned Development) Zoning District. (APN's: 110-14-170; 110-14-129)

- **Special Development Permit** to allow the construction of 66 additional townhomes for a total of 234 units at Danbury Place, and
- **Tentative Map** to subdivide 2 lots into 12 lots for condominium purposes and 2 common lots.

WHERE TO VIEW THIS DOCUMENT:

The **Mitigated Negative Declaration**, its supporting documentation and details relating to the project are on file and available for review and comment in the Office of the Secretary of the Planning Commission, City Hall, 456 West Olive Avenue, Sunnyvale.

This **Mitigated Negative Declaration** may be protested in writing by any person prior to 5:00 p.m. on **Tuesday, October 18, 2005**. Protest shall be filed in the Department of Community Development, 456 W. Olive Avenue, Sunnyvale and shall include a written statement specifying anticipated environmental effects which may be significant. A protest of a **Mitigated Negative Declaration** will be considered by the adopting authority, whose action on the protest may be appealed.

HEARING INFORMATION:

A public hearing on the project is scheduled for:

Monday, October 24, 2005 at 8:00 p.m. in the Council Chambers, City Hall, 456 West Olive Avenue, Sunnyvale.

TOXIC SITE INFORMATION:

(No) listed toxic sites are present at the project location.

Circulated On September 28, 2005

Signed: _____

Gerri Caruso, Principal Planner



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NEGATIVE DECLARATION

This **Mitigated Negative Declaration** has been prepared in compliance with the provisions of the California Environmental Quality Act of 1970, as amended, and Resolution #118-04.

PROJECT TITLE:

Application for a **Tentative Map** and **Special Development Permit** filed by **Pulte Homes** —

PROJECT DESCRIPTION AND LOCATION (APN):

2005-0643 and 2005-0645 – Pulte Homes [Applicant] **Morton J Port Trustee; Joseph Dellamano Et Al** [Owners]: Application for related proposals on a 2.2-acre site located at **1047 North Fair Oaks Avenue** (near Weddell Dr) and a 1.5 acre site located at **508 Tasman Drive** (near Karlstad Dr) in an M-S/ITR/R3/PD (Industrial and Service/Industrial to Residential/Medium-Density Residential/Planned Development) Zoning District. (APN's: 110-14-170; 110-14-129)

- **Special Development Permit** to allow the construction of 66 additional townhomes for a total of 234 units at Danbury Place, and
- **Tentative Map** to subdivide 2 lots into 12 lots for condominium purposes and 2 common lots.

FINDINGS:

The Director of Community Development of the City of Sunnyvale, California, hereby determines that an environmental impact report is not required. There are sufficient environmental controls incorporated into the zoning regulations to ensure no significant detrimental effect.

The above determination is based upon the initial study conducted in this matter, information provided by the applicant in an "Application for Environmental Finding" that is based on information provided by the applicant in an "Application for Environmental Clearance" and is based on the fact that the use is in keeping with not in conflict with the adopted General Plan, The Zoning Ordinance and the Subdivision Ordinance. That the use is specifically permitted by a Use Permit, and that the use would be in keeping with the character of the (proposed) Zoning District. Sufficient environmental controls are incorporated in the Zoning and Subdivision regulations to ensure no significant detrimental effect by any proposed use, in the case of a PD overlay or any application for a Use Permit, SDP and arc. con. by city.

This **Mitigated Negative Declaration** may be protested in writing by any person prior to 5:00 p.m. on **Tuesday, October 19, 2005**. Such protest shall be filed in the Department of Community Development, 456 W. Olive Avenue, Sunnyvale and shall include a written statement specifying anticipated environmental effects which may be significant. A protest of a Negative Declaration will be considered by the adopting authority, whose action on the protest may be appealed.

Circulated On September 28, 2005

Signed: *Gerri Caruso*
Gerri Caruso, Principal Planner

Adopted On _____

Verified: _____
Gerri Caruso, Principal Planner



California Department of Fish and Game
CERTIFICATE OF FEE EXEMPTION

E12796

De Minimis Impact Finding

PROJECT TITLE/LOCATION (INCLUDE COUNTY):

The **Tentative Map & Special Development Permit** is located on **1047 North Fair Oaks Avenue & 508 Tasman Drive**, City of Sunnyvale, County of Santa Clara in an M-S/ITR/R3/PD (Industrial and Service/Industrial to Residential/Medium-Density Residential/Planned Development) Zoning District. (APN's: 110-14-170; 110-14-129)

PROJECT DESCRIPTION:

2005-0643 and 2005-0645 – Pulte Homes [Applicant] **Morton J Port Trustee; Joseph Dellamano Et Al** [Owners]: Application for related proposals on a 2.2-acre site located at **1047 North Fair Oaks Avenue** (near Weddell Dr) and a 1.5 acre site located at **508 Tasman Drive** (near Karlstad Dr) in an M-S/ITR/R3/PD (Industrial and Service/Industrial to Residential/Medium-Density Residential/Planned Development) Zoning District. (APN's: 110-14-170; 110-14-129)

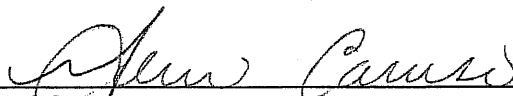
- **Special Development Permit** to allow the construction of 66 additional townhomes for a total of 234 units at Danbury Place, and
- **Tentative Map** to subdivide 2 lots into 12 lots for condominium purposes and 2 common lots.

FINDINGS OF EXEMPTION:

1. This project is in an urban setting.
2. There is no alteration of land or effect on fish or wildlife.

CERTIFICATION:

I hereby certify that the public agency has made the above finding and that the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.


Gerri Caruso

Title: Principal Planner, Community Development
Lead Agency: City of Sunnyvale
Date: September 28, 2005

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Project Address: 508 Tasman Drive and 1147 N Fair Oaks Avenue
Applicant: Pulte Homes

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Project File#: 2005-0643 and 2005-0643
Project Address: 508 Tasman and 1147 N Fair Oaks
Applicant: Pulte Homes (Dan Carroll)

1. Project Title: Danbury Place Phases II and III
2. Lead Agency Name and Address: City of Sunnyvale, Community Development Department,
Planning Division
3. Contact Person and Phone Number: Kelly Diekmann, (408) 730-7659
4. Project Location: 508 Tasman Drive and 1147 N Fair Oaks Avenue, generally
between CA 237 and US 101 along Fair Oaks Avenue
5. Project Sponsor's Name and Address: Pulte Homes (Dan Carroll)
6210 STONE RIDGE MALL
Pleasanton, CA 94588
6. General Plan Designation: ITR (Futures 7) Industrial to Residential Medium Density
7. Zoning: MS/ITR/R-3/PD (Industrial and Service/Industrial to
Residential Medium Density Planned Development maximum
of 24 units per acre
8. Description of the Project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. (Attach additional sheets if necessary)

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 Applicant: Pulte Homes

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 Applicant: Pulte Homes (Dan Carroll)

The site was designated for residential conversion in 1993 through a comprehensive study by the City of Sunnyvale known as the Futures Study. A Program EIR (SCH 90030968) was certified at the time the designation for transition to residential was approved in 1993. The environmental analysis of this project is tiered from the Futures Study and reviews site-specific design aspects accordingly.

The 3.62 acre site is a combination of two separate parcels located along Tasman Drive (Phase III) and Fair Oaks Avenue (Phase II). The two parcels represent Phase II and III of the townhome development known as Danbury Place. The original Danbury Place development of 168 townhomes was approved in the fall of 2002 and is largely built out at this time.

Phase II and III development includes demolition of the existing buildings for the purpose of constructing up to 68 townhome units, a common recreational building for the Danbury HOA, City of Sunnyvale Pedestrian and Bicycle Path, and other associated site improvements. A tentative map has also been filed for the purposed of creating ownership housing units. The map identifies 13 lots for the purpose of creating a condominium ownership pattern of townhome units and 15 common lots. The proposed density of 18.8 units per acre exceeds the minimum density of 18 units per acre and is below the maximum density of 24 units per acre. The two phases are not directly related to each other but are instead connected to the original Danbury Phase I; however, site development standards do require concurrent approval of the two sites to meet City standards for the whole of Danbury Place's development. The Tasman site is currently accessed via the existing driveways of Danbury Place along Karlstad and may include also include access via the Tasman entrance. The Fair Oaks parcel will include vehicle access from Kiel Court and provide for emergency access only onto Fair Oaks Avenue. The south boundary of the Fair Oaks parcel will also include the completion of a neighborhood bicycle and pedestrian path. Frontage improvements to Tasman and Fair Oaks for sidewalks, street trees, etc. only anticipated off site improvements proposed for the project.

- | | |
|--|--|
| 9. Surrounding Land Uses and Setting:
(Briefly describe the project's surroundings) | <u>The area is a transitioning neighborhood from industrial to residential uses. Each of the two phases abut the existing Danbury Place and are adjacent to other housing projects. In addition, Phase II abuts existing industrial buildings to the west and south.</u> |
| 10. Other public agencies whose approval is required (e.g. permits, financing approval, or participation agreement). | <u>Valley Transportation Authority (VTA) may review impacts to existing bus stops along Tasman Drive and Fair Oaks Avenue abutting the site, however no agency approval for the project is required.</u> |

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Project #: 2005-0643 and 2005-0645Project Address: 508 Tasman Drive and 1147 N Fair Oaks AvenueApplicant: Pulte Homes**E12796****ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--------------------------|---------------------------------|--------------------------------------|
| • Aesthetics | • Hazards & Hazardous Materials | • Public Services |
| • Agricultural Resources | • Hydrology/Water Quality | • Recreation |
| • Air Quality | • Land Use/Planning | • Transportation/Traffic |
| • Biological Resources | • Mineral Resources | • Utilities/Service Systems |
| • Cultural Resources | • Noise | • Mandatory Findings of Significance |
| • Geology/Soils | • Population/Housing | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared. •

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared. X

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required. •

I find that the proposed project MAY have a "potential significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed. •

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required. •

Signature

Kelly Diekmann
Printed Name

Date

9-27-05
City of Sunnyvale
For (Lead Agency)

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EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 17, "Earlier Analysis," may be cross-referenced).
- 5) Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c) (3) (d). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The analysis of each issue should identify: (a) the significance criteria or threshold used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance.

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Applicant: Pulte Homes

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Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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I. AESTHETICS. Would the project:

- | | | | | | | |
|----|--|---|---|---|---|---------------|
| a. | Have a substantial adverse effect on a scenic vista? | • | • | • | X | <u>17, 2</u> |
| b. | Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway? | • | • | • | X | <u>17, 94</u> |
| c. | Substantially degrade the existing visual character or quality of the site and its surroundings? | • | • | • | X | <u>94</u> |
| d. | Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | • | • | • | X | <u>95</u> |

II. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- | | | | | | | |
|----|--|---|---|---|---|------------------|
| a. | Conflict with or obstruct implementation of the applicable air quality plan? | • | • | • | X | <u>3</u> |
| b. | Violate any air quality standard or contribute substantially to an existing or projected air quality violation. | • | • | • | X | <u>3, 97, 98</u> |
| c. | Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | • | • | • | X | <u>3</u> |
| d. | Expose sensitive receptors to substantial pollutant concentrations? | • | • | • | X | <u>3</u> |
| e. | Create objectionable odors affecting a substantial number of people? | • | • | • | X | <u>3</u> |

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Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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III. BIOLOGICAL RESOURCES:

- | | | | | | | |
|----|--|---|---|---|---|---------------|
| a. | Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service? | • | • | • | X | <u>94</u> |
| b. | Have a substantially adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S Wildlife Service? | • | • | • | X | <u>94</u> |
| c. | Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | • | • | • | X | <u>94</u> |
| d. | Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites? | • | • | • | X | <u>94</u> |
| e. | Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | • | • | X | • | <u>41,115</u> |
| f. | Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or state habitat conservation plan? | • | • | • | X | <u>17</u> |

IV. CULTURAL RESOURCES. Would the project:

- | | | | | | | |
|----|--|---|---|---|---|-----------|
| a. | Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5? | • | • | • | X | <u>59</u> |
| b. | Cause a substantial adverse change in the significance of an archaeological resources pursuant to Section 15064.5? | • | • | • | X | <u>10</u> |

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Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	•	•	•	X	<u>10</u>
d. Disturb any human remains, including those interred outside of formal cemeteries?	•	•	•	X	<u>10</u>
V. LAND USE AND PLANNING. Would the project:					
a. Physically divide an established community?	•	•	•	X	<u>12,115</u>
b. Conflict with an applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	•	•	•	X	<u>11,12, 48</u>
c. Conflict with any applicable habitat conservation plan or natural communities conservation plan?	•	•	•	X	<u>17</u>
VI. MINERAL RESOURCES. Would the project:					
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	•	•	•	X	<u>19</u>
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	•	•	•	X	<u>19</u>
VII. NOISE. Would the project result in:					
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	•	X	•	•	<u>115, 116, see discussion</u>
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	•	•	•	X	<u>16</u>
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	•	•	•	X	<u>16</u>

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Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
d. A substantially temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	•	•	•	X	<u>16</u>
e. For a project located within an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	•	•	•	X	<u>16</u>
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	•	•	•	X	<u>16</u>
VIII. POPULATION AND HOUSING. Would the project:					
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	•	•	•	X	<u>11,</u> <u>12,</u> <u>48</u>
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	•	•	•	X	<u>11</u>
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	•	•	•	X	<u>11</u>
IX. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
a. Schools?	•	•	•	X	<u>95</u>
b. Other public facilities? Parks	•	•	•	X	<u>17, 18</u>

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Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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X. MANDATORY FINDINGS OF SIGNIFICANCE

- a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? • • • X 28
- b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects)? • • • X 12.48, 115
- c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? • • • X 115

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Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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XI. GEOLOGY AND SOILS. Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:

(i)	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	•	•	•	X	<u>UBC.</u> <u>UDC.</u> <u>UNC.</u> <u>NEC</u>
-----	---	---	---	---	---	---

(ii)	Strong seismic ground shaking?	•	•	•	X	"
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(iii)	Seismic-related ground failure, including liquefaction?	•	•	•	X	"
-------	---	---	---	---	---	---

(iv)	Landslides?	•	•	•	X	"
------	-------------	---	---	---	---	---

b)	Result in substantial soil erosion or the loss of topsoil?	•	•	•	X	"
----	--	---	---	---	---	---

c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	•	•	•	X	"
----	---	---	---	---	---	---

d)	Be located on expansive soil, as defined in Table 18-a-B of the Uniform Building Code (1994), creating substantial risks to life or property?	•	•	•	X	"
----	---	---	---	---	---	---

e)	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	•	•	•	X	"
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Project #: 2005-0643 and 2005-0645Project Address: 508 Tasman Drive and 1147 N Fair Oaks AvenueApplicant: Pulte Homes

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Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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XII. UTILITIES AND SERVICE SYSTEMS. Would the project:

- | | | | | | |
|--|---|---|---|---|----|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | • | • | • | X | 20 |
| b) Require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | • | • | • | X | 20 |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | • | • | • | X | 24 |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | • | • | • | X | 25 |
| e) Result in a determination by the wastewater treatment provider which services or may serve the project determined that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | • | • | • | X | 20 |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | • | • | • | X | 22 |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | • | • | • | X | 22 |

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XIII. TRANSPORTATION/TRAFFIC. Would the project:

- | | | | | | |
|--|---|---|---|---|----------------|
| a) Cause an increase in the traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? | • | • | • | X | <u>75</u> |
| b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? | • | • | • | X | <u>12, 82</u> |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | • | • | • | X | <u>114</u> |
| d) Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)? | • | • | • | X | <u>76, 115</u> |
| e) Result in inadequate emergency access? | • | • | • | X | <u>76, 115</u> |
| f) Result in inadequate parking capacity? | • | • | • | X | <u>37, 115</u> |
| g) Conflict with adopted policies or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | • | • | • | X | <u>85, 12</u> |

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XIV. HAZARDS AND HAZARDOUS MATERIALS. Would the project?

- | | | | | | | |
|----|---|---|---|---|---|---|
| a) | Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials? | • | • | • | X | <u>UFC/UB</u>
<u>C/SVMC</u> |
| b) | Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment? | • | • | • | X | <u>UFC/UB</u>
<u>C/SVMC</u> |
| c) | Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | • | • | • | X | <u>UFC/UB</u>
<u>C/SVMC</u> |
| d) | Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result would it create a significant hazard to the public or the environment? | • | • | • | X | <u>117.</u>
<u>UFC/UB</u>
<u>C/SVMC</u> |
| e) | For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | • | • | • | X | <u>UFC/UB</u>
<u>C/SVMC</u> |
| f) | For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | • | • | • | X | <u>UFC/UB</u>
<u>C/SVMC</u> |
| g) | Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan? | • | • | • | X | <u>UFC/UB</u>
<u>C/SVMC</u> |
| h) | Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | • | • | • | X | <u>UFC/UB</u>
<u>C/SVMC</u> |

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Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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XV. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire protection? • • • X UFC/U
BC/SV
MC

XVI. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Police protection? • • • X 13

XVII. RECREATION

a) Would the project increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? • • X • 17,18

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? • • X • 17, 18

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Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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XVIII. HYDROLOGY AND WATER QUALITY. Would the project:

- | | | | | | |
|---|---|---|---|---|----------------------------|
| a) Violate any water quality standards or waste discharge requirements? | • | • | • | X | <u>24</u>
<u>87.115</u> |
| b) Substantially degrade groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | • | • | • | X | <u>25</u> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | • | • | • | X | <u>95.24</u> |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or surface runoff in a manner which would result in flooding on- or off site? | • | • | • | X | <u>95.24</u> |
| e) Create or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | • | • | • | X | <u>24</u> |
| f) Otherwise substantially degrade water quality? | • | • | • | X | <u>56</u> |
| g) Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | • | • | X | • | <u>56.115</u> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | • | • | • | X | <u>56</u> |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | • | • | • | X | <u>56</u> |
| j) Inundation by seiche, tsunami, or mudflow? | • | • | • | X | <u>24</u> |

Completed By: Kelly DiekmannDate: July 13, 2005

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III Biological (e) There are no heritage trees on the sites. However, protected trees (circumference of 38 inches) are located on the site. Compliance with tree preservation requirements of the Municipal Code as well as landscaping requirements resulting in a net increase in trees which will result in a less than significant impact on the city's general biological welfare.

IX PUBLIC SERVICES (a) The project will generate a slight increase in the use of existing park facilities, but this impact is less than significant because the project will comply with the City's Park Dedication Fee requirement, which includes a fee of \$7,350.75 per unit. The project will generate \$485,148.50 for the Citywide acquisition and improvement of park facilities to offset this potential increased use. A site has been designated by the city for a neighborhood park five blocks southwest of the site. The existing greenway and linear park facility to the south and west of the area provide the most immediate services to the area. The Lakewood Community Park is located approximately ½ mile southeast of the site.

The cumulative impact on park facilities for the entire ITR area that is transitioning from industrial to residential uses has been addressed through the acquisition of approximately 5 acres of land to the south of the site. This parcel is currently owned by the City and leased to business tenants at the present time. The land is intended to be developed as a park in the future to serve the proposed project and the whole of the ITR area upon buildout. As the ITR area approaches buildout, the City will need to include the development of the land for a park as a capital improvement project and budget for its development and ongoing maintenance needs. The previously completed analysis of a need for the park and subsequent identification and acquisition of said parcel accounts for the development of this subject site as residential units. Redevelopment of the city owned site to a park would result in a less than significant effect on services.

XV RECREATION (a) See Note for IX(a).

XV RECREATION (b) See Note for XV(a).

When the current city owned parcel is redeveloped, demolition of the existing office buildings will be required. Application of standard construction mitigation techniques and requirements will address potential environmental impacts at that time resulting in a less than significant effect.

XVIII. HYDROLOGY AND WATER QUALITY (g)

Although the site is within the AE Flood zone, the project includes grading plans to raise the elevation of the site to remove the site from the flood plain. The greatest impact of the grading plan would be the impacts on trees that are designated to be retained on the site, the tree preservation plans account for the proposed grading changes on the site. With the site elevation raised the project is no longer in the flood plain and there is a less than significant impact.

Less than Significant with Mitigation

VII NOISE (a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

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Appendix A of the Noise Sub-element of the General Plan establishes noise contours that may result in the residential units closest to Fair Oaks and Tasman being subjected to noise levels exceeding the maximum permitted by the goals and ordinances of the City of Sunnyvale.

The Noise Sub-element of the General Plan, Action Statement 3.6A.1f notes: "Supplement the "Noise and Land Use Compatibility Guidelines" for residential uses by attempting to achieve an outdoor Ldn of no greater than 60 dBA for common recreation areas, backyards, patios, and medium and large-size balconies. These guidelines should not apply where the noise source is a railroad or airport...."

An acoustical assessment was conducted by Edward L. Pack Associates, Inc. at the time of the original Danbury Place development was proposed in 2002. Additionally, an abutting projects also completed an acoustical analysis within the past year that is relevant to the subject site. Noise sources and projected conditions for the future have not changed since its original submittal and is still valid and relevant to the proposed design for Phases II and III.

The acoustical assessment concludes that exterior noise levels would exceed the General Plan Action Statement noted above along Fair Oaks Avenue and Tasman Drive. Fair Oaks Avenue would exceed the goal of 60 dB by 3-8dB for a total future estimate of 63-68 dB. Tasman Drive exceeds the General Plan goal by 4-10 dB for a future estimate of 64-70 dB. These potential noise impacts are the result of project design which incorporates a strong pedestrian connection with the street and has placed the units near the street frontage.. Front doors face the street and small patio areas are elements of the approach to the main entrance of each unit. It is these patio areas that are subjected to traffic noise from the fronting street. The design approach for these buildings was selected due to the proximity of multi-modal facilities. Best Practices recommended by VTA include "ensure that entrances are placed as near to adjacent bus and rail stops as possible" and "Provide main building entries on public streets rather than through internal courts".

Table 2 "State of California Noise Guidelines for Land Use Planning Summary of Land Use Compatibility for Community Noise Environment" of the Noise Sub-element of the General Plan provides suggested exterior noise exposure by land use category. The "Normally Acceptable" range of noise for residential use extends to 60 dB. "Conditionally Acceptable" noise for residential uses extends to 75 dB. The future noise projections for both Fair Oaks Avenue and Tasman Drive fall within the "Conditionally Acceptable" category. Due to design goals and aesthetic issues, no exterior noise attenuation is proposed. To achieve attenuation to 60 dB along Fair Oaks Avenue and Tasman Drive for the outdoor patio areas would require walls ranging in height from 9 to 15 feet in height above street grade.

Project design has considered competing goals of noise attenuation and pedestrian access. Since the project is located in pedestrian oriented area, it was determined that pedestrian access would supercede. In balance, common open space areas in proximity to the pool and club house area provides alternative outdoor space for those occupants who find their exterior patio area uncomfortable.

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Based on the compilation of acoustical studies for the area, , interior noise levels along Fair Oaks Avenue and Tasman Drive would not exceed City noise standards provided:

MITIGATION MEASURES:

- *At noise impacted living spaces within 100 ft. of the centerline of Fair Oaks Avenue, install windows rated minimum Sound Transmission Class (STC) 32. At noise impacted living spaces between 150 ft. and 350 ft. of the centerline, install windows rated minimum STC 28. —*
- *At noise impacted living spaces within 75 feet of the centerline of Tasman Drive and with a direct or side view of the roadway. Install windows rated minimum Sound Transmission Class (STC) 28.*
- *Although individual windows are not required to permanently affixed, mechanical ventilation systems are required for all units in affected area to ensure high level of comfort for homeowners with or without closed windows that attenuate sound levels.*

ENVIRONMENTAL CHECKLIST REFERENCE LIST

Note: All references are the most recent version as of the date the initial Study was prepared:

1. **City of Sunnyvale General Plan:**
2. Map
3. Air Quality Sub-Element
4. Community Design Sub-Element
5. Community Participation Sub-Element
6. Cultural Arts Sub-Element
7. Executive Summary
8. Fire Services Sub-Element
9. Fiscal Sub-Element
10. Heritage Preservation Sub-Element
11. Housing & Community Revitalization Sub-Element
12. Land Use & Transportation Sub-Element
13. Law Enforcement Sub-Element
14. Legislative Management Sub-Element
15. Library Sub-Element
16. Noise Sub-Element
17. Open Space Sub-Element
18. Recreation Sub-Element
19. Safety & Seismic Safety Sub-Element
20. Sanitary Sewer System Sub-Element
21. Socio-Economic Sub-Element
22. Solid Waste Management Sub-Element
23. Support Services Sub-Element
24. Surface Run-off Sub-Element
25. Water Resources Sub-Element
26. **City of Sunnyvale Municipal Code:**
27. Chapter 10
28. Zoning Map
29. Chapter 19.42. Operating Standards
30. Chapter 19.28. Downtown Specific Plan District
31. Chapter 19.18. Residential Zoning Districts
32. Chapter 19.20. Commercial Zoning Districts
33. Chapter 19.22. Industrial Zoning Districts
34. Chapter 19.24. Office Zoning Districts
35. Chapter 19.26. Combining Zoning Districts
36. Chapter 19.28. Downtown Specific Plan
37. Chapter 19.46. Off-Street Parking & Loading
38. Chapter 19.56. Solar Access
39. Chapter 19.66. Affordable Housing
40. Chapter 19.72. Conversion of Mobile Home Parks to Other Uses
41. Chapter 19.94. Tree Preservation
42. Chapter 19.96. Heritage Preservation

Specific Plans

43. El Camino Real Precise Plan
44. Lockheed Site Master Use Permit
45. Moffett Field Comprehensive Use Plan
46. 101 & Lawrence Site Specific Plan
47. Southern Pacific Corridor Plan

Environmental Impact Reports

48. Futures Study Environmental Impact Report
49. Lockheed Site Master Use Permit Environmental Impact Report
50. Tasman Corridor LRT Environmental Impact Study (supplemental)
51. Kaiser Permanente Medical Center Replacement Center Environmental Impact Report (City of Santa Clara)
52. Downtown Development Program Environmental Impact Report
53. Caribbean-Moffett Park Environmental Impact Report
54. Southern Pacific Corridor Plan Environmental Impact Report

Maps

55. City of Sunnyvale Aerial Maps
56. Flood Insurance Rate Maps (FEMA)
57. Santa Clara County Assessors Parcel
58. Utility Maps (50 scale)

Lists/Inventories

59. Sunnyvale Cultural Resources Inventory List
60. Heritage Landmark Designation List
61. Santa Clara County Heritage Resource Inventory
62. Hazardous Waste & Substances Sites List (State of California)
63. List of Known Contaminants in Sunnyvale

Legislation/Acts/Bills/Codes

64. Subdivision Map Act
65. Uniform Fire Code, including amendments per SMC adoption
66. National Fire Code (National Fire Protection Association)
67. Title 19 California Administrative Code
68. California Assembly Bill 2185/2187 (Waters Bill)
69. California Assembly Bill 3777 (La Follette

ENVIRONMENTAL CHECKLIST REFERENCE LIST

Note: All references are the most recent version as of the date the initial Study was prepared:

- Bill)
70. Superfund Amendments & Reauthorization Act (SARA) Title III
- Transportation**
71. California Department of Transportation Highway Design Manual
72. California Department of Transportation Traffic Manual
73. California Department of Transportation Standard Plan
74. California Department of Transportation Standard Specification
75. Institute of Transportation Engineers - Trip Generation
76. Institute of Transportation Engineers Transportation and Traffic Engineering Handbook
77. U.S. Dept. of Transportation Federal Highway Admin. Manual on Uniform Traffic Control Devices for Street and Highways
78. California Vehicle Code
79. Traffic Engineering Theory & Practice by L. J. Pegnataro
80. Santa Clara County Congestion Management Program and Technical Guidelines
81. Santa Clara County Transportation Agency Short Range Transit Plan
82. Santa Clara County Transportation Plan
83. Traffic Volume Studies, City of Sunnyvale Public works Department of Traffic Engineering Division
84. Santa Clara County Sub-Regional Deficiency Plan
85. Bicycle Plan and Pedestrian Plan (Fair Oaks Tasman)

Public Works

86. Standard Specifications and Details of the Department of Public Works
87. Storm Drain Master Plan
88. Sanitary Sewer Master Plan
89. Water Master Plan
90. Solid Waste Management Plan of Santa Clara County
91. Geotechnical Investigation Reports
92. Engineering Division Project Files

93. Subdivision and Parcel Map Files
94. Field Inspection
95. Environmental Information Form
96. Annual Summary of Containment Excesses (BAAQMD)
97. Current Air Quality Data
98. Chemical Emergency Preparedness Program (EPA) Interim Document in 1985?
99. Association of Bay Area Governments (ABAG) Population Projections
100. Bay Area Clean Air Plan
101. City-wide Design Guidelines
102. Industrial Design Guidelines

Building Safety

103. Uniform Building Code, Volume 1, (Including the California Building Code, Volume 1)
104. Uniform Building Code, Volume 2, (Including the California Building Code, Volume 2)
105. Uniform Plumbing Code, (Including the California Plumbing Code)
106. Uniform Mechanical Code, (Including the California Mechanical Code)
107. National Electrical Code (Including California Electrical Code)
108. Title 16 of the Sunnyvale Municipal Code

Additional References

109. USFWS/CA Dept. F&G Special Status Lists
110. Project Traffic Impact Analysis
111. Project Description
112. Project Development Plans
113. Santa Clara County Airport Land Use Plan
114. Federal Aviation Administration
115. Applicant Site and Architectural Plans
116. Acoustic Analysis
117. Phase I and II Environmental Site Investigations May 2005